APPENDIX A

[Filed August 10, 2000]

IN THE
UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 99-10945

D.C. Docket No. 97-02058-CIV-T-17B

AMERICAN CHARITIES FOR REASONABLE FUNDRAISING REGULATION, INC., THE CREATIVE ADVANTAGE, INC., *et al*,
Plaintiffs-Appellants,

versus

PINELLAS COUNTY, a political subdivision of the State of Florida, NUGENT WALSH, as chairperson of the Charitable Solicitations Board of Pinellas County, et al.,
Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

(August 10, 2000)

Before EDMONDSON and MARCUS, Circuit Judges, and STROM*, District Judge.

PER CURIAM:

Plaintiffs challenge a local Pinellas County ordinance regulating the solicitation of charitable contributions. The

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* Honorable Lyle E. Strom, U.S. District Judge for the District of Nebraska, sitting by designation.

challenge is based on the Commerce Clause, the First Amendment, and the Fourteenth Amendment. The district court granted summary judgment for Defendant County concluding that the Ordinance was facially constitutional. We affirm in part, but because the district court failed to address Plaintiffs' as-applied challenge, we remand for consideration of that claim.

BACKGROUND

Pinellas County, Florida (Defendant County) passed Ordinance No. 93-106 (the "Ordinance"), pursuant to Fla. Stat. § 496.421, which grants authority to counties to enact ordinances regulating charitable solicitation. The ordinance, codified in Pinellas County Code §§ 42-266 to -344, regulates persons who solicit charitable contributions within the County.

The Ordinance requires fund-raising consultants and paid solicitors[1] to register with the County before performing services for their clients, who are charities soliciting within the County.[2] The Ordinance also prohibits a charity from

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[1] *Compare* Pinellas County Code § 42-266 (defining "professional fundraising consultant" as "any person who is retained by a charitable organization or sponsor for a fixed fee to plan, advise, consult, or prepare material for solicitation of contributions, but who does not manage, conduct, or carry on any fundraising activity or solicit contributions, or employ, procure, or engage any compensated person to solicit contributions and who does not at any time have custody or control of contributions"), *with id.* (defining "professional solicitor" as any person "who for compensation, performs for a charitable organization or sponsor any service in connection with which contributions are or will be solicited by the compensated persons . . . in connection with the solicitation of contributions for or on behalf of a charitable organization").

[2] *See* Pinellas County Code § 42-291(a) ("(n)o charitable organization, sponsor, commercial co-venturer, professional fundraising consultant, federated fundraising organization, professional solicitor, or other person

soliciting in the County if the charity contracts with a professional solicitor before that person has been issued the required permit. And it prohibits professional fund-raising consultants from soliciting in conjunction with a client-charity until that charity has registered with the County.[3]

Plaintiffs are American Charities for Reasonable Fundraising Regulation, Inc. ("American Charities"), the Creative Advantage, Inc. ("TCA"), and Norman W. Leahy ("Leahy").[4] Plaintiffs sought relief in district court to enjoin the enforcement of the Ordinance and to grant a declaratory judgment finding the Ordinance unconstitutional as violative of the First Amendment, the Fourteenth Amendment Due Process Clause, and the negative Commerce Clause. The

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. . . shall solicit contributions in the county by any means . . . without first registering and having been issued a charitable solicitations permit")

[3] Pinellas County Code § 42-321 provides:

> (b) It shall be a violation of this article for any professional solicitor, professional fundraising consultant, commercial co-venturer, federate fundraising agency or sponsor to solicit on behalf of or in connection with any affiliated or client charity before that charity or sponsor has registered and been issued a charitable solicitations permit as required in this article.
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> (c) It shall be a violation of this article for any charity to contract with any professional solicitor, professional fundraising consultant, commercial co-venturer, federated fundraising agency, or sponsor for the purpose of raising or soliciting funds for the charity or sponsor before the professional solicitor, professional fundraising consultant, commercial co-venturer, federated fundraising agency, or sponsor has been issued a charitable solicitations permit by the department as required by this article.

[4] American Charities for Reasonable Fundraising Regulation is a membership association which brings this action on behalf of its members, who include professional fund-raising consultants. The Creative Advantage, Inc., is a full service direct mail fund-raising agency which consults with charities on fund-raising but does not directly solicit. Leahy is a copywriter, based in Virginia, who produces copy for charities.

district court denied relief, concluding that the Ordinance does not facially violate the Constitution, and granted summary judgment for Defendant. Plaintiffs appeal.

DISCUSSION

We review the district court's grant of summary judgment de novo. *See Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993, 995 (11th Cir. 1998). And we review de novo a constitutional challenge to a statute. *See Gay Lesbian Bisexual Alliance v. Pryor*, 110 F.3d 1543, 1546 (11th Cir. 1997) (constitutionality of a statute is a question of law reviewed de novo).

The district court properly determined that Plaintiffs' facial challenges to the Ordinance were unavailing. *See American Charities for Reasonable Fundraising Regulation, Inc, v. Pinellas County*, 32 F. Supp.2d 1308 (M.D. Fla. 1998); *see also American Target. Advertising v. Giani*, 199 F.3d 1241 (10th Cir. 2000). The district court erred, however, in determining that Plaintiffs' due process as-applied challenge was not ripe for review. We conclude that the as-applied claim was ripe and that the County's application of the Ordinance to Plaintiffs may violate the Due Process Clause of the Fourteenth Amendment.

STANDING

The district court did not address Plaintiffs as-applied due process challenge because the court concluded that this claim was not ripe: the County had not sought to enforce the Ordinance against Plaintiffs. We conclude Plaintiffs offered sufficient evidence of a threat of enforcement to assert their as-applied challenge.

While pre-enforcement review is the exception, "[w]hen the plaintiff has alleged an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of

prosecution thereunder, he 'should not be required to await and undergo a criminal prosecution as the sole means of seeking relief.' " *Babbitt v. UFW*, 99 S. Ct. 2301, 2309 (1979); *see also Jacobs v. Florida Bar*, 50 F.3d 901, 904 (11th Cir. 1995) ("A plaintiff stating that he 'intends to engage in a specific course of conduct arguably affected with a constitutional interest, . . . does not have to expose himself to enforcement to be able to challenge the law.'"). To establish their standing to bring an as-applied challenge, Plaintiffs need to demonstrate that a "credible threat of an injury exists," not just a speculative threat which would be insufficient for Article III purposes. *Kirby v. Siegelman*, 195 F.3d 1285, 1290 (11th Cir. 1999). We have written that this standard can be met by showing that either "(1) [plaintiff] was threatened with prosecution; (2) prosecution is likely; or (3) there is a credible threat of prosecution." *Jacobs*, 50 F.3d at 904 (applying standard to conclude that plaintiffs had standing to bring as-applied challenge).

Plaintiffs offered sufficient proof of a credible threat of prosecution in this case. Plaintiffs offered the affidavit of Marilyn Price, president of Plaintiff TCA; the affidavit states that she had written the County asking whether her company had to register for a permit although TCA does not directly solicit contributions. In response, John Wood of the Regulatory Section of the Department of Consumer Protection for the County called. Wood said that, if a nonprofit mails into the County, it is mandatory for that organization and its professional fund-raising consultant (that is, TCA) both to register. Wood also explained that the penalty for noncompliance was a Civil injunction and possibly a $500.00 fine or imprisonment.[5] Price stated that, as

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[5] Plaintiffs also offered the affidavit of Raymond Grace. the president of Creative Direct Response ("CDR"), who stated that his company was contacted by the County and told that it must register and pay the fee as a

a direct result of this conversation, she has asked TCA's clients not to mail into the County, and TCA has refused to enter into consulting agreements with charities that mail into the County.

Defendants argue this affidavit is insufficient to show a threat of prosecution. Plaintiffs, however, did receive a response from someone "with the knowledge and authority to speak for the [County]" about registration.[6] *Digital Properties. Inc. v. City of Plantation*, 121 F.3d 586, 590 (11th Cir. 1997) (determining challenge not ripe because plaintiff had not applied for zoning permit and relied on statement that city "does not allow such use" made by one non-supervisory employee at zoning department to confirm plaintiff's assumption that zoning scheme applied to his proposal).[7] And Creative Direct Response ("CDR"), another fund-raising consulting organization, received a letter from the County

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professional fund-raising consultant. He was informed that, if his company failed to register, it could no longer advise on clients' direct mail appeals and that the company's clients could not conduct direct mail appeals in the County. And in responding to Leahy's inquiry, the County informed Leahy that he must register, even though he would only be providing copy to charities and would not be involved in telemarketing or other direct solicitations, if he would be providing copy to charities which mail into the County.

[6] The same John Wood, who informed TCA of its obligation to register, was cited as the source of Defendant's response to Plaintiffs' interrogatories. The response said that Plaintiffs would be required to register if their client charities solicited in the County and Plaintiffs perform services, or intend to perform services, for charities soliciting in Pinellas County.

[7] This case is materially different from *Digital Properties*, which involved a zoning permit and in which the court determined that plaintiffs as-applied challenge was not ripe because it was "founded upon [plaintiff's] anticipated belief that [city] would interpret [ordinance] in such a way as to violate [plaintiff]'s First Amendment rights." 121 F.3d at 590-91.

telling it to register. In addition, Defendant, in response to requests for admissions, admitted that TCA, Leahy, and ACFRFR—based on the evidence Defendant's had—are required by the County "to register as a PFC and pay a fee if its clients send charitable solicitations by mail into Pinellas County."

These circumstances assure us that this case "grows out of a genuine dispute and is not a contrivance prompted solely by a desire to enforce constitutional rights." *International Society for Krishna Consciousness of Atlanta v. Eaves*, 601 F.2d 809, 819 (5th Cir. 1979) (concluding justiciable challenge to airport solicitation ordinance applicable to plaintiffs in which penalty was loss of and inability to reapply for a solicitation permit); *see also Graham v. Butterworth*, 5 F.3d 496 (11th Cir. 1993) (concluding credible threat of prosecution because plaintiff intended to engage in protected conduct, which state seemed to proscribe).[8] Because we have determined that Plaintiffs as-applied due process challenge is ripe, we now address the merits of that claim.

DUE PROCESS CLAUSE

Plaintiffs say their activities, or lack thereof, in Pinellas County are insufficient for the County to apply the Ordinance to them in accordance with due process. Plaintiffs may be correct. But because we cannot determine from the record the extent of the contacts and whether they are sufficient, we remand for such a determination.

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[8] Defendants say this evidence is not sufficient because the Ordinance is not criminal. The Ordinance itself, however, provides that violations shall be punishable as provided in section 1-8 of the Pinellas County Code. Section 1-8(c) states: except as otherwise provided, "a person convicted of a violation of this Code shall be punished by a fine not to exceed $500.00 or by imprisonment in the county jail for a term not exceeding 60 days, or by both."

A state's legislative jurisdiction is circumscribed by the Due Process Clause: "There must be at least some minimal contact between a State and the regulated subject before it can, consistently with the requirements of due process, exercise legislative jurisdiction." *Hellenic Lines Ltd. v. Rhoditis*, 90 S. Ct. 1731, 1737 n.2 (1970) (Harlan, J., dissenting); *accord Adventure Communications Inc. v. Kentucky Registry of Election Finance*, 191 F.3d 429, 435-36 (4th Cir. 1999). The inquiry into whether sufficient legislative jurisdiction exists is similar to that explored in determining sufficient minimum contacts for the purposes of assessing whether a court cart exercise personal jurisdiction consistent with due process, or whether a court can apply a state's own law under choice-of-law analysis to a case consistent with due process. *See Adventure Cornmunications*, 191 F.3d at 436 (noting a substantial overlap in analysis); *Quiil Corp. v. North Dakota*, 1 12 S. Ct. 1904, 1909 (1992) (stating that due process "requires some definite link, some minimum connection, between state and the person, property or transaction it seeks to tax").[9]

To determine legislative jurisdiction, that is, to confirm that the application of the County's regulations to Plaintiffs does not offend due process, we look to choice-of-law and personal jurisdiction analyses. When choice-of-law issues arise in court, to apply a state's substantive law in accordance with due process, "that State must have a significant contact or significant aggregation of contacts, creating state interests, such that choice of its law is neither arbitrary nor

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[9] Though the inquiries are similar, some difference exists between adjudicative jurisdiction and legislative jurisdiction. *See Adventure Communications*, 191 F.3d at 435 (noting that adjudicative jurisdiction "concerns the power of the state to resolve a particular dispute through its court system" and legislative jurisdiction "involves the authority of a state to make its law applicable to persons or activities").

fundamentally unfair." *Allstate Ins. Co. v. Hague*, 101 S. Ct. 633, 640 (1981). And, when a court is considering its personal jurisdiction, the exercise of jurisdiction does not offend due process if the pertinent party has "certain minimum contacts with [the jurisdiction] such that the maintenance of the [action] does not offend traditional notions of fair play and substantial justice." *International Shoe Co. v. Washington*, 66 S. Ct. 154, 158 (1945); *see Allstate Ins. Co.*, 101 S. Ct. at 642 n. 23 (stating "both inquiries are often closely related and to a substantial degree depend upon similar considerations"); *Adventure Communication*, 191 F.3d at 437 (noting that the existence of minimum contacts is "significant factor" in determining if application of state's substantive law is constitutional).

Applying these standards to the question before us now, we ask whether sufficient contacts exist between the Plaintiffs and the County, "creating state interests such that it would not be fundamentally unfair to subject" the Plaintiffs to the County's registration requirements. *Adventure Communication*, 191 F.3d at 437. Therefore, a "minimum contacts" inquiry is necessary for determining whether the County's exercise of legislative jurisdiction, in this case, offends due process.

The regulated party must have performed some act by which it "purposefully avails itself of the privilege of conducting activities within the [County]." *Burger King v. Rudzewicz*, 105 S. Ct. 2174, 2184 *(1985)*. But the unilateral act of a third party is not sufficient to create the requisite contacts. *See id.* at 21 83; *see also Madara v. Hall*, 91 6 F.2d 1510, 1517 (11th Cir. 1990) (foreseeability required to exercise jurisdiction is "not the ability to see that the acts of third parties may affect the forum, but rather that the [actor's] own purposeful acts will have some effect in the forum").

Defendant has indicated that a consultant who advises a client who solicits in the County is required to register.[10]

But the record, in this case, seems to show only that Plaintiffs assist charities that send national mailings to the general public: Plaintiffs themselves do not send mailings to the public. Plaintiffs aver that they do not solicit, do not handle the funds, and are not paid on a percentage of the contributions basis.[11] Nothing apparently indicates that Plaintiffs purposefully aid the solicitation of funds from the citizens of Pinellas County, in particular as opposed to general solicitations conducted more or less nationally.[12] An

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[10] The district court determined that it was the overt act of solicitation and not advising which triggered the requirement that the professional fund-raising consultant obtain a permit. Plaintiffs, however, argue they do not solicit in the County nor purposefully contribute to the solicitation of funds in the County. The district court should explore on remand the extent of Plaintiffs' solicitation, or lack thereof, in the County.

In addition, the district court noted that the Ordinance itself requires a professional fundraising consultant to obtain a permit when it "solicits contributions in the county by any means." But the definition of professional fund-raising consultant provided for in the Ordinance limits the consultant category to persons who do not solicit, but instead "plan, advise, consult or prepare material for solicitation." Therefore, acts much less than overt solicitation could require consultants to obtain a permit, and the Ordinance has been so interpreted by the County in this case.

[11] For example, Plaintiffs state, in their briefs, that Leahy only writes copy: "Once he sells his copy, his involvement with that particular project ends and he moves on to the next one. He does not design the graphics, layout, or the other visual aspect of solicitation pieces. He does not maintain mailing lists. He does not help his clients select mailing lists. He does not mail letters. He does not target solicitations."

[12] For example, Defendant's admissions state that TCA, Leahy, and ACFRFR are required by the County to register if its clients send charitable solicitations by mail into the County. In response to interrogatories, Defendant stated that consultants are not required to register if they do not represent clients that do not solicit charitable contributions in the County.

abstract, indirect, and unaimed level of involvement with the County would not be sufficient for the County to regulate Plaintiffs.[13]

The circumstances in this case seem very different from those found to be sufficient for due process purposes in the case of *American Target Advertising* 199 F.3d at 1255, in which Utah law was allowed to be applied to a Virginia charitable consultant. in that case, the court determined that the Virginia plaintiff purposefully directed its efforts toward residents of Utah in particular: for example, consultant would suggest a list of potential Utah donors. *See id.*, In this case, Defendant has not alleged that Plaintiffs purposefully direct their efforts to, or specifically advise on solicitations aimed at, Pinelias County. *See Asahi Metal Indus. v. Superior Court of Cal., Solano County*, 107 S. Ct. 1026, 1032 (1987) (stating that even if defendant was aware product would eventually reach forum state via stream of commerce this awareness does not constitute an act purposefully directed toward forum state); *see also SEC v. Carrillo*, 115 F.3d 1540, 1545 (11th Cir. 1997) (noting that it is well established that advertising "reasonably calculated to reach the forum" may be pur-

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[13] In addition, Defendant claims it is proper to require Plaintiffs to register because their compensation must come from contributions received from their charity clients. Without more, an assertion that Plaintiffs were paid with general funds of their clients which funds at one time were contributions from someplace is insufficient to establish legislative jurisdictional minimum contacts. The district court cited *Interfase Marketing, Inc. v. Pioneer Technologies Group. Inc.*, 774 F. Supp. 1355, 1358 (M.D. Fla. 1991), for the proposition that merely receiving a benefit from the residents of the jurisdiction should subject a party to the court's jurisdiction. But in that case a number of "Contacts" existed between the jurisdiction and defendant: defendant traveled to the jurisdiction, conducted business there, and permitted its affiliate to solicit potential customers for it in the jurisdiction. *See id.* ("[Defendant] clearly seeks the benefits of marketing their product in Florida through their relationship with [affiliate].").

poseful availment, as can direct solicitation mailings); *Associated Transport Lines Inc. v. Productos Fitosanitarios Proficol El Carmen SA.*, 197 F.3d 1070, 1075 (11th Cir. 1999) (noting that "awareness that product will enter state is not enough to satisfy due process—not the kind of purposeful activity required").[14] For now at least, we can not say that Plaintiffs have sufficient contacts with the County to regulate them under this Ordinance, consistent with due process.

The district court did not reach Plaintiffs' as-applied challenge. And, the district court should tackle the question before we attempt to do so finally. Because unanswered questions remain on the extent of Plaintiffs' contacts with the County, we REMAND the case to the district court for a determination, not inconsistent with this opinion, of whether Defendant's threatened application and enforcement of the Ordinance violates due process. Otherwise, we AFFIRM the district court's judgment.

AFFIRMED IN PART,

VACATED AND REMANDED IN PART.

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[14] And just having some contract with a registered charity without more is not sufficient, under the Constitution, to subject these other entities to regulation and registration by the Ordinance. *See Borg-Warner Acceptance Corp. v. Lovett & Thorpe. Inc.*, 786 F.2d 1055, 1059 (11th Cir. 1986) (" '[m]erely entering into a contract with a forum resident does not provide the requisite contacts between a [party] and the forum state."); *Sea Lift. Inc. v. Refinadora Costarricense de Petroleo, S.A.*, 792 F.2d 989, 993 (11th Cir. 1986)("Nor does the existence of a contract between the foreign defendant and a resident of the forum state automatically amount to 'purposeful availment.' ").

APPENDIX B

CODE AND LAND DEVELOPMENT CODE
County of PINELLAS COUNTY, FLORIDA
Codified through Ord. No. 00-37,
enacted May 2, 2000. (Suppl

PART II PINELLAS COUNTY CODE

Chapter 42 CONSUMER PROTECTION*

ARTICLE VII. CHARITABLE SOLICITATIONS*

DIVISION 1. GENERALLY

Sec. 42-266. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable organization means any person who is or holds himself out to be established, for profit or not for profit, for any benevolent, educational, philanthropic, humane, scientific, artistic, patriotic, social welfare or advocacy, public health, environmental conservation, civic, safety, fraternal, historical, athletic, medical, religious or other eleemosynary purpose, or any person who in any manner employs a charitable appeal as the basis for any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. Such term includes a chapter, branch, area office, or similar affiliate soliciting contributions within the county for a charitable organization.

Charitable purpose means any benevolent, philanthropic, patriotic, educational, humane, scientific, artistic, public health, social welfare or advocacy, environmental conservation, civic, safety, fraternal, historical, athletic, medical, religious or other eleemosynary objective.

Charitable sales promotion means an advertising or sales campaign conducted by any person, professional solicitor, federated fundraising organization, commercial co-venturer, professional fundraising consultant, or sponsor which represents that the purchase or use of goods or services offered by the person, professional solicitor, federated fundraising organization or sponsor is to benefit a person or charitable or sponsor organization; provided, that advertising services to a charitable or sponsor organization does not, in itself, constitute a charitable sales promotion.

Code enforcement officers means those employees of the department of consumer protection designated as code enforcement officers pursuant to F.S. § 125.69.

Commercial co-venturer means any person who regularly and primarily is engaged in trade or commerce other than in connection with solicitation of contributions and who conducts a charitable sales promotion or a sponsor sales promotion.

Contribution means the promise, pledge, or grant of any money, property, financial assistance, service, or any other thing of value in response to a solicitation by any person on behalf of a charitable or sponsor purpose. "Contribution" includes, in the case of an offer of goods or services to the public, the difference between the direct cost of the goods or services and the price at which the goods or services are resold to the public. "Contribution" does not include fees, dues, or assessments paid by members, provided that membership is not conferred solely as consideration for making a contribution in response to a solicitation. "Contribution" does not include funds obtained by a charitable organization or sponsor pursuant to government grants or contracts.

Conviction means a determination of guilt resulting from plea or trial, regardless of whether adjudication was withheld or imposition of sentence was suspended, in connection with any federal, state or local ordinance, act, or law regulating theft, fraud, misrepresentation or the solicitation of funds.

Department means the Pinellas County Department of Consumer Protection.

Direct collection campaign means any solicitation of funds on or on behalf of a charitable organization where a pledge or donation for the charitable organization is collected by any person without use of the mail.

Director means the director of the Pinellas County Department of Consumer Protection.

Educational institutions and organizations means those institutions described in F.S. § 212.08(7)(o)2.d.

Emergency service employee means any employee who is a firefighter, as defined in F.S. § 633.30, or ambulance driver, emergency medical technician, or paramedic, as defined in F.S. § 401.23.

Federated fundraising organization means a federation of independent charitable organizations which have voluntarily joined together, including, but not limited to, a United Way or community chest, for purposes of raising and distributing contributions for and among themselves, and where membership does not confer operating authority and control of the individual organization upon the federated group organization.

Financial record means computer records, banking records and statements, checks, drafts, receipts and papers of any description which indicate the receipt or expenditure of contributions.

Fundraising costs means those costs incurred in inducing others to make contributions to a charitable organization or sponsor. "Fundraising costs" include, but are not limited to, salaries, commissions, rent, telephone service, acquiring and obtaining mailing lists, printing, mailing, medical expenses and all direct and indirect costs of soliciting, as well as the cost of unsolicited merchandise sent to encourage contributions.

Hearing means, subsequent to public notice, a proceeding regarding the denial of a permit application, the suspension of a permit, or the revocation of a permit under this article.

Law enforcement officer means any person who is elected, appointed, or employed by the federal government, the state or any political subdivision thereof, and:

(1) Who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the criminal, traffic, highway, marine, and fish, game and wildlife laws of the state; or

(2) Whose responsibility includes supervision, protection, care, custody, or control of inmates within a reasonable institution.

Mail means a system by which letters and other materials are transported by the U. S. Postal Service or any private carrier.

Membership means the relationship of a person to an organization that entitles him to the privileges, professional standing, honors, or other direct benefit of the organization in addition to the right to vote, elect officers, and hold the office in the organization.

One time event means an event to raise funds for a charitable organization which does not exceed three consecutive calendar days annually.

Owner means any person who has a direct or indirect interest in any professional solicitor, professional fundraising consultant, federated fundraising organization or sponsor.

Parent organization means that part of a charitable organization or sponsor which coordinates, supervises, or exercises control over policy, fundraising, and expenditures or assists or advises one or more chapters, branches, or affiliates of such organization.

Person means any individual, organization, trust, foundation, group, association, entity, partnership, corporation, sponsor, or society, and the agent(s), employee(s) or officer(s) of any such person.

Professional fundraising consultant means any person who is retained by a charitable organization or sponsor for a fixed or variable fee or percentage fee to plan, advise, consult, or prepare material for solicitation of contributions, but who does not manage, conduct, or carry on any fundraising activity, or solicit contributions, or employ, procure, or engage any compensated person to solicit contributions and who does not at any time have custody or control of contributions. A volunteer, employee or salaried officer of a charitable organization or sponsor is not a professional fundraising consultant. An attorney, investment counselor, or banker who advises an individual, corporation, or association to make a charitable contribution is not a professional fundraising consultant as the result of such advice.

Professional solicitor means any person who, for compensation, performs for a charitable organization or sponsor any service in connection with which contributions are or will be solicited by the compensated person or by any person it employs, procures, or otherwise engages, directly or indirectly, as an agent, employee, independent contractor or subcontractor, in connection with the solicitation of contributions for or on behalf of a charitable organization or sponsor. A volunteer, employee or salaried officer of a charitable organization or sponsor is not a professional solicitor. An attorney, investment counselor, or banker who advises an individual, corporation, or association to make a charitable contribution is not a professional solicitor as the result of such advice. Any person, corporation, association or other organization which places advertising, or prepares or manages a mailing campaign, and sends materials to the public for the purpose of soliciting funds by charitable organization or a sponsor, or any person that conducts any direct collection campaign shall be considered a professional solicitor and not a professional fundraising consultant.

Religious institution means any church, ecclesiastical or denominational organization, or established physical place for worship, at which nonprofit religious services and activities are

regularly conducted and carried on, and includes those religious groups which do not maintain specific places of worship. "Religious institution" also includes any separate group or corporation which forms an integral part of a religious institution which is exempt from federal income tax under the provisions of section 501(c)(3) of the Internal Revenue Code, and which is not primarily supported by funds solicited outside its own membership or congregation.

Solicitation means a request, direct or indirect, for money, property, financial assistance, service, or any other thing of value on the plea or representation that such money, property, financial assistance, service, or other thing of value or a portion of it will be used for a charitable or sponsor purpose or will benefit a charitable organization or sponsor. "Solicitation" includes, but is not limited to, the following methods of requesting or securing the promise, pledge, or grant of money, property, financial assistance, service, or any other thing of value:

(1) Any oral or written request;

(2) Distributing, circulating, posting, or publishing any handbill, written advertisement, or other publication that directly or by implication seeks to obtain any contributions; or

(3) Selling or offering or attempting to sell any advertisement, advertising space, book, card, coupon, chance, device, magazine, membership, merchandise, subscription, sponsorship, flower, admission, ticket, food, or other service or tangible good, item, or thing of value, or any right of any description in connection with which any appeal is made for any charitable organization or sponsor and is used or referred to in any such appeal as an inducement or reason for making the sale or when, in connection with the sale or offer or attempt to sell, any statement is made that all or part of the proceeds from the

sale will be used for any charitable or sponsor purpose or will benefit any charitable organization or sponsor. A solicitation is considered as having taken place whether or not the person making the solicitation receives any contribution. A solicitation does not occur when a person applies to the government or to an organization that is exempt from federal income taxation under section 501(c) of the Internal Revenue Code for a grant or an award.

Sponsor means a group which hosts an event or solicits contributions on behalf of a charitable organization.

Violation means that a person has committed a prohibited act under F.S. ch. 496, this article, or any other federal, state or local ordinance, act, or law governing theft, fraud, misrepresentation or the solicitation of funds.

(Ord. No. 93-106, § 1.9, 12-7-93; Ord. No. 97-32, § 1, 5-13-97; Ord. No. 98-108, § 1, 12-22-98)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-267. Authority.

This article is enacted pursuant to F.S. chs. 125 and 496, and under the home rule powers of the county in the interest of the health, peace, safety, and general welfare of the people of the county.

(Ord. No. 93-106, § 1.2, 12-7-93)

State law reference(s)--General powers of chartered counties, Fla. Const. art. VIII, § 1(g).

Sec. 42-268. Penalty for violation of article.

Violations of this article are punishable as provided in section 18.

(Ord. No. 93101, §§ 4.4, 5.4, 12-7-93)

Sec. 42-269. Territory embraced.

All territory within the legal boundaries of the county, including all incorporated and unincorporated areas, shall be embraced by the provisions of this article.

(Ord. No. 93-106, § 3, 12-7-93)

Charter reference(s)--Conflicts between county and municipal ordinances, §§ 2.01, 2.04.

Sec. 42-270. Purpose and intent.

The intent of the board of county commissioners in adopting this article is to require registration and full public disclosure by persons who solicit contributions for a charitable or sponsor purpose from the public within the legal boundaries of the county. It is further the intent of the board of county commissioners that the information required under this article be made available to the public in order to prevent deception, fraud, or misrepresentation in the solicitation, use and reporting of contributions.

(Ord. No. 93106, § 1.4, 12-7-93)

Sec. 42-271. Construction of article.

This article shall be liberally construed to accomplish its purpose.

(Ord. No. 93-106, § 1.5, 12-7-93)

Sec. 42-272. Exemptions from article.

(a) This article shall not apply to any solicitation made when the solicitation is directed toward persons who are members of the entity at the time of the solicitation.

(b) This article shall not apply to any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor establishes a legal depository account and represents in each case that the entire amount collected, without any reduction whatever, shall be turned over to the named beneficiary.

(c) This article shall not apply to any solicitations conducted by schoolchildren or college or university students, or their parents, teachers or instructors under the direction and supervision of

their parents, school, college or university officials, teachers, instructors, or principals for the purpose of financing extra-curricular, social, athletic, artistic, scientific, or cultural programs which shall include, but shall not be restricted to, solicitations for band and athletic uniforms, scientific and/or artistic implements and literary matter.

(d) This article shall not apply to state agencies or other governmental entities.

(e) The exemptions in this section do not apply to any sponsor or to a person or group which is or holds out to be soliciting contributions by the use of any name which implies that the group or person is in any way affiliated with or organized for the benefit of emergency services employees or law enforcement officers.

(Ord. No. 93-106, § 1.6, 12-7-93; Ord. No. 97-32, § 2, 5-13-97; Ord. No. 98-108, § 2, 12-22-98)

Secs. 42-273—42-275. Reserved.

Sec. 42-276. Powers and responsibilities of the department of consumer protection.

(a) The code enforcement officer shall register any person and grant or renew a charitable solicitations permit upon compliance with this article.

(b) Upon complaint of any person, or upon his own initiation, if probable cause exists to suspect a violation of this article, the code enforcement officer may investigate any person to determine whether such person has violated any provision of this article.

(c) The director of the department of consumer protection shall promulgate the forms deemed necessary to carry out his or her responsibilities.

(d) The code enforcement officer may request, for purposes of inspection and investigation, all financial records of any person

which pertain to the solicitation and expenditure of contributions received for a charitable or sponsor purpose.

(e) The director may deny, suspend or revoke the charitable solicitations permit of any person for any violation of this article. The director shall notify the permit holder in writing of his or her basis for the decision.

(f) The code enforcement officer may cite, in accordance with F.S. 1 125.69, any person whom he determines is violating this article or is engaging in a prohibited act under this article.

(Ord. No. 93-106, § 2.2, 12-7-93; Ord. No. 97-32, § 6, 5-13-97).

Sec. 42-277. Reserved.

Sec. 42-278. Review of decisions by the director.

Any decision by the director pursuant to this article may be reviewed as a matter of right by the circuit court upon the filing of an appropriate pleading by an aggrieved party.

(Ord. No. 93-106, § 5.2, 12-7-93; Ord. No. 98-108, § 4, 12-22-98)

Sec. 42-279. Service of notice; public records.

(a) Any notice required under this article shall be in writing and sent by certified mail or hand delivery to the mailing address set forth on the application for the charitable solicitations permit. This mailing address shall be considered the correct mailing address unless the department has been otherwise notified in writing.

(b) Any information contained in a permit application under division 2 of this article is subject to the public records law, F.S. ch. 119.

(Ord. No. 93-106, § 5.3, 12-7-93; Ord. No. 97-32, § 8, 5-13-97; Ord. No. 98-108, § 5, 12-22-98)

Sec. 42-280. Responsibility for compliance with article.

It is the responsibility of the permit holder, his agent, employee or officer to ensure compliance with this article and F.S. ch. 496, notwithstanding the issuance of an occupational license or any other governmental permit.

(Ord. No. 93-106, § 4.4.3, 12-7-93)

Secs. 42-281—42-290. Reserved.

DIVISION 2. APPLICATION AND PERMIT

Sec. 42-291. Required.

(a) No charitable organization, sponsor, commercial co-venturer, professional fundraising consultant, federated fundraising organization, professional solicitor, or other person, unless otherwise exempted, shall solicit contributions in the county by any means or have funds solicited on its behalf by any other person without first registering and having been issued a charitable solicitations permit by the department under this article.

(b) No commercial co-venturer shall engage in charitable or sponsor solicitation activity without first determining that the charity or sponsor has complied with the registration requirements of this article, and without written permission of the charity or sponsor.

(Ord. No. 93-106, § 2.3, 12-7-93; Ord. No. 97-32, § 10, 5-13-97; Ord. No. 97-65, § 1, 8-12-97)

Sec. 42-292. Contents of; fee; incomplete application.

(a) Application required. Any charitable organization, sponsor, commercial co-venturer, professional fundraising consultant, federated fundraising organization, professional solicitor, or person desiring to engage in solicitation of contributions in the county shall file a sworn application with the department, which contains the following information and shall be accompanied by the following documents:

Sec. 42-292. Contents of; fee; incomplete application.

(1) If the applicant is:

a. An individual, the individual shall state his legal name and any aliases;

b. A group, the group shall state its legal identity;

c. A partnership, the partnership shall state its complete name and any fictitious name, and the names of all partners having either direct, managerial, supervisory or advisory responsibilities for the solicitation of charitable contributions, and whether the partnership is general or limited; or

d. A corporation, the corporation shall state its complete name and any fictitious name, the date of its incorporation, evidence that the corporation is in good standing, the names and capacity of all officers, directors, and stockholders having either direct, managerial, supervisory or advisory responsibilities for the solicitation of charitable contributions and, if applicable, the name of the registered corporate agent and the address of the registered office for service of process.

(2) Whether the applicant or any other individual listed pursuant to subsection (a)(1) of this section is registered under this article or any other solicitations statute or ordinance, and if so, the name(s) of the registering agency and the other permit holders.

(3) Whether the applicant or any other individual listed pursuant to subsection (a)(1) of this section has, within the five-year period immediately preceding the date of the application for registration, been convicted of a violation of F.S. ch. 496, this article, or any other federal, state or local ordinance, act or law governing theft, fraud, misrepresentation or the solicitation of funds, and if so, the conviction involved, the date of conviction, and the place of conviction.

(4) Whether the applicant or any other individual listed pursuant to subsection (a)(1) of this section has had a previous permit under this article or registration under F.S. ch. 496 suspended, revoked, or denied, or by court order been required to cease operation, or been fined or otherwise administratively sanctioned, including the date of the actions.

(5) The applicant's date of birth, mailing address, physical street address, telephone number and either the driver's license number and the state of issue or the federally issued identification number of the individuals listed pursuant to subsection (a)(1) of this section.

(6) If applicable, the applicant's statement of agreement or letter of authorization made with any commercial co-venturer, federated fundraising organization, professional fundraising consultant, professional solicitor, or sponsor, together with a copy of such agreement.

(7) A statement as to whether any of the owners, directors, officers, or employees of the registrant are related as parent, spouse, child, or sibling to any other directors, officers, owners, or employees of the applicant, or to any officer, director, trustee, or employee of any charitable organization or sponsor under contract to the registrant, or to any supplier or vendor providing goods or services to any charitable organization or sponsor under contract to the applicant.

(8) A copy of the registration or exemption statement issued under F.S. ch. 496 to the applicant or any other individual listed pursuant to subsection (a)(1) or (a)(2) of this section.

(9) Either a copy of the Internal Revenue Service form 990 and schedule A filed for the preceding financial year, a copy of the Internal Revenue System form 990-EZ filed for the preceding financial year, a copy of the Internal Revenue Service Form 1120-T filed for the preceding financial year, or proof of an exemption from filing any of the above forms. Any organization exempt from filing any of the IRS forms shall file a report of

results on a form provided by the department or an unaudited financial statement for the preceding financial year. A newly formed organization shall file an itemized budget certified by a senior officer.

(10) A sworn statement attesting to the veracity and accuracy of the information provided in the application.

(11) The application shall also contain the following information about the charitable organization:

a. The purpose or work of the organization; and

b. The manner in which the purpose or work of the organization is carried out.

(12) The application shall also contain the following information regarding each activity involving solicitation:

a. The name of the solicitation;

b. The manner or method of solicitation;

c. The contemplated receipts and expenses of the solicitation;

d. The proportion of the contribution which will go toward the object of the solicitation;

e. The distribution plan for collected contributions;

f. A written copy of the wording of any verbal solicitation; and

g. Copies of printed solicitation materials.

(b) Application fee. Each application for a charitable solicitations permit shall be accompanied by a nonrefundable fee which shall be set by resolution of the board of county commissioners. The resolution shall include a late fee for applications filed after the date of the expiration of a permit. Calculation of the appropriate fee shall be determined by adding the total of direct public support, indirect public support, and net

proceeds from the sale of goods and fundraising events in Pinellas County as reported on the organization's Internal Revenue Service form. The board of county commissioners may assess a separate fee for one-time events for which the purpose is raising funds for a charitable organization.

(c) Incomplete application. If the application for a charitable solicitations permit is not properly completed, the code enforcement officer shall notify in writing the person designated for service in the application. The applicant then has 15 days from the date of such notice to properly complete the application. Failure to respond within 30 days to a request for information necessary to complete the application shall result in a denial of the application.

(Ord. No. 93-106, § 2.4, 12-7-93; Ord. No. 97-32, § 11, 5-13-97; Ord. No. 97-65, § 2, 8-12-97; Ord. No. 98-108, § 7, 12-22-98) Sec. 42-293. Grant; denial.

(a) Time period for granting or denying.

Sec. 42-293. Grant; denial.

(1) The code enforcement officer shall grant a new or renewal charitable solicitations permit within 30 days from the date of its proper filing.

(2) The director or his or her designee shall mail a notice of intent to deny a charitable solicitations permit within 30 days from the date of its filing.

(3) The director shall send a notice of denial based on any of the grounds set forth in subsection (c) of this section, or for failure to correct within 15 days any of the deficiencies contained in the notice of intent to deny as set forth in subsection (a)(2) of this section.

(4) Any applicant who received a notice of denial of a charitable solicitations permit may request a hearing before the Director within 15 days of the date of the mailing of the notice of denial.

(b) Granting of permit. If there is no basis for denial of a charitable solicitations permit pursuant to subsection (c) of this section, the code enforcement officer shall grant the permit, notify the applicant, and issue the permit to the applicant upon payment of the appropriate annual fee.

(c) Denial of permit. The director shall deny a charitable solicitations permit on the basis of any one of the following grounds:

(1) An applicant has been convicted of a violation of F.S. ch. 496, this article, or any other federal, state or local ordinance, act or law governing theft, fraud, misrepresentation, or the solicitation of funds within three years of the latest application.

(2) An applicant has had a registration issued under F.S. ch. 496 or a permit issued under this article revoked within three years of the latest application.

3)An applicant has had a registration issued under F.S. ch. 496 or a permit issued under this article suspended twice within two years prior to the pending application.

(3) An applicant has submitted an application which contains material false information.

(4) An applicant has submitted an application which contains material false information.

(5) An applicant has submitted an application which omits material information.

(Ord. No. 93-106, § 2.5, 12-7-93; Ord. No. 97-32, § 12, 5-13-97; Ord. No. 98-108, § 8, 12-22-98)

Sec. 42-294. Contents of permit; term; renewals; expiration.

(a) Contents. A charitable solicitations permit shall state on its face the name of the permit holder, the name of the charity or sponsor for whom charitable solicitations are to be made, the street address of the principal place of business, the date of issuance, and the date of expiration.

(b) Term. All permits issued under this article shall be valid for 12 months from the date of issuance, except for one-time events.

Sec. 42-294. Contents of permit; term; renewals; expiration.

(c) Renewals. Subject to the other provisions of this article, a permit holder may renew the charitable solicitations permit by submitting a renewal application under oath and by submitting the financial information required and paying the appropriate fee.

(1) If a permit holder fails to apply to renew the permit on or before the expiration date of the permit, the permit holder shall complete a late renewal application and be charged a late fee as set by resolution of the board of county commissioners.

(2) No charitable solicitations permit shall be renewed if a permit holder fails to comply with the reporting requirements of this article.

(d) Expiration. A permit that is not renewed under this article shall expire one year from the date of issuance.

(Ord. No. 93-106, § 2.6, 12-7-93; Ord. No. 97-32, §13, 5-13-97; Ord. No. 98-108, §9, 12-22-98)

Sec. 42-295. Records; reporting requirements; consent.

(a) Records.

(1) Each permit holder under this article shall maintain true and accurate financial records whereby all contributions and all disbursements are clearly entered upon the financial records. The records must be made available, without subpoena, to the code enforcement officer for inspection and copying and must be furnished no later than 15 working days after requested.

(2) Each permit holder under this article shall keep the required financial records for at least three years, pursuant to Section 42-295(a)(1).

(b) Reporting requirements.

(1) Each permit holder whose solicitation is ongoing throughout the year, and:

a. Whoever is required to submit a new charitable solicitations application as opposed to a renewal application shall, six months from the date of issuance of the permit, submit to the code enforcement officer a financial statement which shows all contributions and expenses and for what uses all such contributions were or are to be disbursed or distributed; or

b. Whoever is required to submit a renewal application shall, 12 months from the date of issuance of the second or subsequent permit, submit to the code enforcement officer the documents listed in section 42-292(a)(9) of this code and for what uses all such contributions were or are to be disbursed or distributed.

(2) Regarding solicitations made within Pinellas County:

a. Each professional solicitor and federated fundraising organization shall report to the code enforcement officer the amount raised from its solicitation on behalf of each charitable organization or sponsor, and the amount received from each charitable organization or sponsor as payment for services rendered.

c. Each professional fundraising consultant shall report to the code enforcement officer the amount received from each charitable organization or sponsor as payment for services rendered.

d. Each commercial co-venturer shall report to the code enforcement officer the amount received from the fundraising activity or event, and the amount turned over to the charitable organization or sponsor.

(3) Each permit holder whose solicitation is a single, discreet solicitation within a year shall, within 30 days after termination

of the permitted solicitation, submit to the code enforcement officer the documents listed in section 42-292(a)(9) of this code and for what uses all such contributions were or are to be disbursed or distributed.

(4) Whenever the information required by or provided under this division has changed, the permit holder shall, within 15 days of the change, provide the code enforcement officer in writing with the changed information.

(c) Consent. By holding a permit under this article, the permit holder shall be deemed to have consented to the provisions of this article and to the exercise by the director and code enforcement officers of their respective responsibilities under this article.

(Ord. No. 93-106, § 2.7, 12-7-93; Ord. No. 97-32, § 14, 5-13-97; Ord. No. 98-108, § 10, 12-22-98)

Sec. 42-296. Suspension or revocation of permit.

(a) In the event that the director or his or her designee learns or finds upon sufficient cause that a permit holder is violating or has violated the provisions in division 3 or 4 of this article, the director or his or her designee shall promptly notify the permit holder of the violation and shall allow the permit holder a 15-day period in which to correct the violation.

(b) If the permit holder fails to correct a violation of this article before the expiration of the 15-day period provided under subsection (a) of this section, the director shall issue a notice of suspension or revocation of the charitable solicitations permit.

(c) Any permit holder who receives a notice of suspension or revocation of the charitable solicitations permit may request a hearing before the director of the department of consumer protection, which hearing shall be held within thirty (30) days of the issuance of the notice of the permit holder's violation.

(d) The director shall hold a hearing and, at the hearing, the code enforcement officer shall have the burden to show competent and substantial evidence to support the decision to

issue a notice of the permit holder's violation, based on the information available to the code enforcement officer at the time of his or her decision.

(e) The permit holder shall immediately surrender the permit to the director upon suspension or revocation of the permit by the director.

(f) During the suspension or revocation of its charitable solicitations permit, the permit holder shall not solicit for a charitable or sponsor purpose in Pinellas County.

(g) A suspension shall be for a period of one year, beginning on the date the director notifies the license holder of the suspension, and shall require a new application for reinstatement.

(h) Pursuant to section 42-293(c)(2) of this Code, any revocation of a license issued under this article shall be for a minimum time period of three years.

(Ord. No. 93-106, § 2.8, 12-7-93; Ord. No. 97-32, § 15, 5-13-97; Ord. No. 97-65, § 3, 8-12-97; Ord. No. 98-108, § 11, 12-22-98) Secs. 42-297—42-305. Reserved.

DIVISION 3. OPERATIONAL PROVISIONS

Sec. 42-306. Telephone solicitations.

(a) When conducting telephone solicitations for charitable or sponsor purposes, the permit holder shall furnish to each contributor an invoice, receipt, or statement containing the name of the organization benefitting from the solicitation, the name of the soliciting organization, the full legal name of the individual who made the solicitation and the business address and telephone number from which the solicitation was made.

(b) When conducting telephone solicitations for charitable or sponsor purposes, a professional solicitor and his agent(s) or employee(s) shall immediately identify himself to the listener with his full name and the name of the professional solicitor

organization before he solicits any person for a charitable or sponsor contribution.

(Ord. No. 93-106, §3.1, 12-7-93)

Sec. 42-307. Identification of solicitor.

Any person seeking contributions under this article shall identify himself with his full, true and correct name.

(Ord. No. 93-106, §3.2, 12-7-93)

Sec. 42-308. Contribution receipts.

(a) Any person accepting a contribution for any charitable or sponsor purpose shall tender to the contributor a receipt which acknowledges the amount and species of the contribution, the name of the organization for whom the contribution is made, the full name of the individual who made the solicitation, and the business address and telephone number from which the solicitation was made.

(b) The receipt required by this section shall not be necessary for contributions made through receptacles, nor shall a receipt be necessary for a contribution of less than $5.00.

(Ord. No. 93-106, § 3.3, 12-7-93)

Sec. 42-309. Contribution receptacles.

Each contribution receptacle which is unattended by the person or organization soliciting contributions shall bear the person's or organization's name, address and telephone number and the following disclosure language in boldfaced, legible type:

Registered under Pinellas County Ordinance.

REGISTRATION DOES NOT IMPLY ENDORSEMENT.

For information call the County Department of Consumer Protection.

The disclosure must include the current phone number of the department of consumer protection.

Ord. No. 93-106, § 3.4, 12-7-93; Ord. No. 97-32, § 16, 5-13-97; Ord. No. 98-8, § 3, 1-6-98)

Secs. 42-310—42-320. Reserved.

DIVISION 4. PROHIBITED ACTS

Sec. 42-321. Charitable solicitation without a valid permit.

(a) It shall be a violation of this article for any person to authorize any other person to solicit any contribution from the public for any charitable or sponsor purpose within Pinellas County where:

(1) No charitable solicitation permit has been issued;

(2) The charitable solicitation permit has been suspended or revoked;

(3) The charitable solicitation permit has expired; or

(4) The person or organization has not complied with the application requirements of this article.

(b) It shall be a violation of this article for any professional solicitor, professional fundraising consultant, commercial co-venturer, federated fundraising agency or sponsor to solicit on behalf of or in conjunction with any affiliated or client charity before that charity or sponsor has registered and been issued a charitable solicitations permit as required in this article.

(c) It shall be a violation of this article for any charity to contract with any professional solicitor, professional fundraising consultant, commercial co-venturer, federated fundraising agency, or sponsor for the purpose of raising or soliciting funds for the charity or sponsor before the professional solicitor, professional fundraising consultant, commercial co-venturer, federated fundraising agency or sponsor has been issued a charitable solicitations permit by the department as required by this article.

(Ord. No. 93-106, §4.1, 12-7-93; Ord. No. 97-32, § 17, 5-13-97; Ord. No. 98-108, § 12, 12-22-98)

Sec. 42-322. False statement or false information in application for permit.

It shall be a violation of this article for any person to make a false statement or to provide false information in the application for a charitable solicitations permit.

(Ord. No. 93-106, § 4.2, 12-7-93; Ord. No. 98-08, §14, 12-2-98

Sec. 42-323. False statement or deception in connection with solicitation.

It shall be a violation of this article for any person to make or perpetrate a false or misleading statement, deception or fraud in connection with any solicitation of any contribution for any charitable or sponsor purpose or purported charitable or sponsor purpose.

(Ord. No. 93-106, § 4.3.1, 12-7-93)

Sec. 42-324. Implying county endorsement.

It shall be a violation of this article for any person to use or exploit the fact that a charitable solicitations permit has been issued so as to lead the public to believe that such permit constitutes an endorsement or approval by the county of the charitable or sponsor purpose.

(Ord. No. 93-106, § 4.3.2, 12-7-93)

Sec. 42-325. Commingling of contributions.

It shall be a violation of this article for any person, commercial co-venturer, professional fundraising consultant, professional solicitor, federated fundraising organization or sponsor to commingle contributed funds or property with his own funds or property.

(Ord. No. 93-106, §4.3.3, 12-7-93)

Sec. 42-326. Noncompliance with application requirements.

It shall be a violation of this article for any person to fail to satisfy all of the requirements of division 2 of this article.

(Ord. No. 93-106, § 4.3.4, 12-7-93; Ord. 97-32, § 18, 5-13-97)

Sec. 42-327. Soliciting during pendency of suspension or revocation proceedings.

It shall be a violation of this article for any permit holder to solicit in the county pending final action by the director on a notice of intent to suspend or revoke a charitable solicitations permit.

(Ord. No. 93-106, §4.3.5, 12-7-93; Ord. No. 97-32, § 19, 5-13-97)

Sec. 42-328. Transfer or assignment of permit.

It shall be a violation of this article for any permit holder to transfer or assign the charitable solicitations permit.

(Ord. No. 93-106, § 4.3.6, 12-7-93)

Sec. 42-329. Nighttime solicitation to private residence.

It shall be a violation of this article for any person to solicit under this article at or to a private residence between the hours of 9:00 p.m. and 8:00 a.m.

(Ord. No. 93-106, § 4.3.7, 12-7-93; Ord. No. 97-32, § 20, 5-13-97)

Sec. 42-330. Reserved.

Sec. 42-331. Failure to possess and exhibit permit and authorization.

It shall be a violation of this article for any person to:

(1) Fail to have with them, at the time of the solicitation, a copy of a written authorization from the charity or sponsor as well as a copy of the county permit and other permits and/or authorizations as are required by law; and

(3) Fail to exhibit the permit and authorizations required under this section upon command by any law enforcement officer, code enforcement officer, or person being solicited.

Ord. No. 93-106, §4.3.9, 12-7-93; Ord. No. 97-32, § 21, 5-13-97; Ord. No. 98-108, § 13, 12-22-98)

Sec. 42-332. Concealing identity of organization.

It shall be a violation of this article for any person to conceal the identity of an organization on whose behalf solicitations are being made.

(Ord. No. 93-106, § 4.3.10, 12-7-93)

Sec. 42-333. Misrepresenting donations as being tax deductible.

It shall be a violation of this article to misrepresent that the proceeds of any solicitation of funds under current law would entitle the donor to a federal or state income tax deduction.

(Ord. No. 93-106, §4.3.11, 12-7-93)

Sec. 42-334. Failure to maintain proper records.

It shall be a violation of this article to fail to maintain records or to make false statements or to provide false information in the records required under this article.

(Ord. No. 93-106, § 4.3.12, 12-7-93)

Sec. 42-335. Noncompliance with reporting requirements.

It shall be a violation of this article to fail to comply with the reporting requirements of this article.

(Ord. No. 93-106, §4.3.13, 12-7-93)

Sec. 42-336. Surrender of permit.

It shall be a violation of this article to fail to immediately surrender a solicitation permit to the director upon suspension or revocation of the permit.

(Ord. No. 93-106, § 4.3.14, 12-7-93; Ord. No. 97-32, § 22, 5-13-97; Ord. No. 97-65, § 4, 8-12-97))

Sec. 42-337. Unauthorized representation of charitable organization.

It shall be a violation of this article to represent that a contribution is for or on behalf of a charitable organization or sponsor without first being authorized in writing by the charitable organization.

(Ord. No. 93-106, § 4.3.15, 12-7-93; Ord. No. 97-32, § 23, 5-13-97)

Sec. 42-338. Soliciting for individual without establishing depository account.

It shall be a violation of this article to solicit contributions for or on behalf of a named individual without establishing a legal depository account.

(Ord. No. 93-106, § 4.3.16, 12-7-93)

Sec. 42-339. Failure to honor timely request for refund.

It shall be a violation of this article for any person to fail to make a refund of a verified contribution within 30 days after a refund has been requested in writing, provided that the request is made within 60 days of the contribution.

(Ord. No. 93-106, § 4.3.17, 12-7-93)

Sec. 42-340. Improper use of contributions.

It shall be a violation of this article to fail to apply contributions for the stated purpose of the solicitation.

(Ord. No. 93-106, § 4.3.18, 12-7-93; Ord. No. 97-32, § 24, 5-13-97

Sec. 42-341. Use of misleading name or symbol.

It shall be a violation of this article to use a name, symbol, emblem, device, service, mark, or statement so closely related to or similar to that used by another charitable or sponsor organization that the use thereof would mislead the public.

(Ord. No. 93-106, § 4.3.19, 12-7-93)

Sec. 42-342. False representation by solicitor.

It shall be a violation of this article to falsely state that the person making the solicitation is a member of or a representative of a charitable or sponsor organization, or falsely state or represent that such person is a member of or represents a law enforcement or emergency service organization, or falsely state or represent that such person is part of a governmental agency or body.

(Ord. No. 93-106, § 4.3.20, 12-7-93)

Sec. 42-343. Withholding proceeds from sponsor.

It shall be a violation of this article to fail to provide complete and timely payment to a charitable or sponsor organization of the proceeds from a solicitation campaign or sales promotion.

(Ord. No. 93-106, §4.3.21, 12-7-93)

Sec. 42-344. Failure to display required information on contribution receptacle.

It shall be a violation of this article to fail to display the required name, address, telephone number and disclosure information on an unattended contribution receptacle.

(Ord. No. 93-106, § 4.3.22, 12-7-93)

Secs. 42-345—42-355. Reserved.

CHARITABLE SOLICITATION

NEW PERMIT APPLICATION

INSTRUCTIONS

Pinellas County Code (Section 42-292) requires any charitable organization, sponsor, professional fundraising consultant, federated fundraising organization, professional solicitor, or person desiring to engage in solicitation of contributions in the County to file a sworn registration. Failure to register is a Prohibited Act under Division 4. (See section 1.8 for penalties for non-compliance).

Each registration for a Charitable Solicitations Permit shall be accompanied by a **non-refundable** fee. The annual fee is based on gross contributions received or generated during the past financial year. (New organizations are to base their fee on an itemized budget for the coming year.) Make checks payable to: **Board of County Commissioners.**

Fee Schedule:

If Contributions were:

Less than $25,000 - fee is $20.

$25,000 or more, but less than $100,000 - fee is $60.

$100,000 or more, but less than $200,000 - fee is $90.

$200,000 or more - fee is $120.

Contributions must be verified by attaching: (1) the most recent IRS 990/990-EZ filing OR if exempt from filing. (2) completing Sections 14 through 21 of this application, or (3) a copy of an itemized budget certified by an organization officer.

Send the completed application to: **Department of Consumer Protection, Regulatory Section, 14500 49th Street North, Suite 100, Clearwater, FL 33762.** If you have questions, please call (727) 464-7988.

Note: **Be aware that solicitations at or to a private residence from 9:00 p.m. to 8:00 a.m. are prohibited. This includes soliciting by telephone.**

The State of Florida also requires registration under F.S.496. For information, contact the Division of Consumer Services; (800) 435-7352 in Florida, (850) 488-2221 outside Florida; or write: Division of Consumer Services; Mayo Bldg., 2nd Floor, Room 208; Tallahassee, FL 32399.

You must register with the Florida Department of Agriculture and Consumer Services prior to submitting this application. Please attach a copy of the Florida Division of Consumer Services compliance letter.

Type of organization: (_) Charity - IRS 501© (_) Sponsor (_) Other Non-Profit (_) Other For-Profit (_) Individual

Is the applicant a:

____ Corporation ____ Partnership ____ Organization of any other type

Organization information:

Full legal name: _____

Fictitious Name: _____

Additional Program Names Used in Solicitation: _____

LOCAL address: _____

_____

Telephone: ( )_____ Fax: ( )_____

REGIONAL address: _____

_____

Telephone: ( )_____ Fax: ( )_____

NATIONAL address: _____

_____

Telephone: ( )_____ Fax: ( )_____

4. Professional assistance will (____), will not (____) be used.

____ Professional Solicitor ____ Fundraising Consultant/Counsel

____ Commercial Co-Venturer ____ Federated Fundraising Agency (i.e., United Way)

List professional assistance organization:

Name: _____

Doing business as: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

5. Professional Solicitor's Pinellas County Permit Number: _____

Professional's State of Florida registration number [F.S.496.405/409/410]: _____

5A. If contributions are received by the CHARITY/SPONSOR, what percentage of gross charitable contributions is due to the professional firm? (_____%). If not a percentage, state the agreed system of payment and amount due to the professional solicitor. _____

_____

_____

5B. If contributions are received by the PROFESSIONAL FIRM, what percentage of gross charitable contributions is due to the charity/sponsor? (_____%). If not a percentage, state the agreed system of payment and amount due to the charity.

_____

_____

5C. If contributions are received by a THIRD PARTY, what percentage of gross charitable contributions is due to the charity/sponsor (_____%), to the professional firm (_____%), and to third party (_____%)? State the arrangement with the third party.

BEST AVAILABLE COPY

Answer this question ONLY If you checked "Corporation" in Question 2, above:

Date corporation formed:_____ State: _____ Document No. _____

Corporation type: For-Profit (_____), Not-for-Profit (_____) Status: _____

IRS Employer Identification Number (E.I.N.): _____

Contact person who can be contacted if there are problems with this application:

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

Chief elected, executive, or operating officer:

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

Person managing the solicitation described in this application:

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

10. **Treasurer or person with control of financial records:**

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

11. **Manager of telephone room in or operating into Pinellas County:**

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

12. **Location of planned solicitation events(s), if different from organization address:**

_____

13. **Method of Solicitation: (check all that apply):**

(___)Telephone (No Script) (___)Mail (___)Volunteers (___) Paid Staff
(___)Telephone Script Used (Attach) (___)Door to Door (___)Item Sales (___) Bingo/Raffle
(___)Print/Broadcast Media (___)Events/Other - describe: _____

FOR THE COMING YEAR:

Expected GROSS REVENUE: Contributions, Gifts, Direct/Indirect Public Support, Membership Dues, Special Events, etc.

$_____ (Circle based on: Local, State, or National accounting)

CONTRIBUTIONS $_____ (Fee Schedule)

Projected PROGRAM SERVICES: $_____

Anticipated MANAGEMENT AND GENERAL (Expenses):

counting services	$_____	Postage	$_____	Insurance	$_____
vertising/publicity	$_____	Printing	$_____	Labor/services	$_____
mmissions	$_____	Prizes	$_____	Legal fees	$_____
stumes/uniform s	$_____	Professional fees	$_____	Utilities	$_____
corations/favors	$_____	(solicitor, counsel, consultant, co-venturer)		Storage costs	$_____
tertainers/Musicians	$_____	Royalties	$_____	License/permit fee	$_____
uipment (buy/rent)	$_____	Salaries/wages (note above)	$_____	Telephone/fax	$_____
ilding rental	$_____	Security services	$_____	Transportation	$_____
od	$_____	Other _____	$_____	TOTAL EXPENSES	$_____

FUNDRAISING (expenses): $_____

COMPENSATION OF OFFICERS, DIRECTORS, ETC.: $_____

JOINT COSTS (From a Combined Educational Campaign and Fundraising Solicitation/IRS Form 990):

Allocated to Program Services: $_____

Allocated to Fundraising: $_____

Allocated to Management & General: $_____

NET ASSETS OR FUND BALANCES AT BEGINNING OF YEAR: $_____

NET ASSETS OR FUND BALANCES AT END OF YEAR: $_____

2. What is the purpose or work of the organization benefitting from the solicitation?

_____

_____

_____

3. Briefly describe how this work is carried out. Your answer must be sufficiently clear and complete to allow a reader to reasonably understand that there is a system in place or arranged for using the donations substantially in accord with the purpose(s) stated to obtain the donation(s).

_____

_____

_____

4. Has your organization previously registered in Pinellas County for solicitation? Yes (___), No (__).
If yes, under what name? _____

5. Has any director, supervisor, manager, or person with authority to receive and/or disburse solicitation income ever been employed by or a member of another organization registered with Pinellas County for solicitation? Yes (__), No (___).
If yes, name of director, supervisor, manager, or person with authority to receive and/or disburse solicitation and name of other organization._____

_____

_____

Has the applicant or any manager, director, supervisor, advisor, or other person with similar responsibilities [illegible] responsibility over income and distribution of income been convicted in the last five (5) years of a violation of the Pinellas County Charitable Solicitations Code, Florida Statutes Chapter 496, or any other federal, state, or local ordinance, act or law governing theft, fraud, misrepresentation, or the solicitation of funds? Yes (___), No (___). If yes, briefly state the date, place, offense, and penalty:

_____

_____

Has the applicant or any manager, director, supervisor, or other person with similar responsibilities or responsibility over income and distribution of income had, within the previous five (5) years, a permit issued under the Pinellas County Charitable Solicitations Code, or registration under Florida Statutes Chapter 496, suspended, revoked, or by court order been required to cease operation or fined or otherwise sanctioned? Yes (___) No (___). If yes, briefly state the date, place, offense, and penalty:

_____

_____

Is any owner, director, officer, supervisor, manager, or employee of the registrant related as parent, spouse, child, or sibling to any other owner, director, officer, supervisor, manager, or employee of the registrant, or to any director officer, supervisor, manager, or employee of any professional assistance firm or agency involved in a current services contract with the applicant? Yes (___), No (___). If yes, state the persons related, their relationship, and their duties with the organization.

_____

_____

). Is the applicant organization registered with Florida Department of Agriculture and Consumer Services? [F.S.496.405, F.S.496.409, F.S.496.410] Yes (___) Assigned number: _____; No (___); Exempt [F.S.496.403 or F.S.496.406] (___). Registration date: _____; If not registered, date application and check mailed (Attach copies) : _____.

). Attach the following, as applicable:

(1) The organization's prior tax year IRS 990/990EZ tax return or if exempt from filing.
(2) An itemized budget showing anticipated income and expenses.

. The registration or exemption acknowledgment with assigned number provided by the Florida Department of Agriculture and Consumer Services under F.S.496.

. Any contract between the charity and any professional solicitor, federated fundraiser, consultant, or commercial co-venturer.

). If the organization is registered with any other state or agency, send a list of those and include standard disclosure contact information.

.. The Internal Revenue Service Letter of Determination showing the section(s) of the Federal Tax Code under which tax exemption was granted, and any supplementary rulings or advisories.

. A list of the principal officers, directors, managers, or supervisor with responsibility for fundraising. Include name, organization title, address, birth date, and telephone number.

5. Evidence of any fictitious name registration.

l. The wording of a verbal solicitation(s), including any telephone "pitch", and any written or printed material(s) used in the solicitation. These should show disclosures required by Florida law [F.S.496.411].

. If placed or installed devices, canisters, or honor receptacles of any kind are to be used, the wording imprinted on the device or a sample label. Florida law requires disclosures [F.S.496.411]. Pinellas County Code [Section 42-309] requires that the following words be imprinted or affixed on a sticker: "Registered under Pinellas County Code. Registration does not imply endorsement. For information, call the County Department of Consumer Protection, (813) 464-6200."

Verification of contribution income for prior year to determine registration fee. (Do not include grants for fee determination.)

Use this section to verify contribution income to determine your annual registration/permit fee ONLY if your organization DOES NOT file an IRS 990/990-EZ. If you use or have either document, send a copy of that in lieu of using this section.

Prior financial year contribution income received or generated.

Public Contributions	$_____	Item Sales:	$_____
Corporate Contributions	$_____	(Other):_____	$_____
Ticket Sales/Admissions	$_____	(Other):_____	$_____
Raffles/Bingo:	$_____	TOTAL RECEIPTS:	$_____

Certification by the director or a senior authorized officer:

"I affirm the completeness and accuracy of the information in and attached to this application; that no information which would affect the issuance of this permit has been withheld; that I am responsible for the conduct and statements made by persons engaged in solicitation activities outlined herein, and that these comply with Florida Statutes and Pinellas Codes".

Name (Print): _____ Title: _____

Address: _____

_____ Telephone: ( ) _____

Official signature (Sign before a notary):

_____

Notary Certification:

The foregoing instrument was acknowledged before me this ____ day of _____, 19____, by _____

_____, who is personally known to me or who has produced _____ as identification and DID TAKE AN OATH.

Notary Signature and Seal: _____

Notary Printed Name: _____

Notary Address: _____

_____

Telephone: ( ) _____

CHARITABLE SOLICITATION

NEW PERMIT APPLICATION

PROFESSIONAL SOLICITOR/FUNDRAISER/CONSULTANT/COUNSEL

INSTRUCTIONS

Pinellas County Code (Section 42-292) requires any charitable organization, sponsor, professional fundraising consultant, federated fundraising organization, professional solicitor, or person desiring to engage in solicitation of contributions in the County to file a sworn registration. Failure to register is a Prohibited Act under Division 4 (See Section 1.8 for penalties for non-compliance).

Each registration for a Charitable Solicitations Permit shall be accompanied by a **non-refundable** fee. The annual fee is based on gross contributions received or generated during the past financial year (New organizations are to base their fee on an itemized budget for the coming year). Make checks payable to: **Board of County Commissioners.**

Fee Schedule:

If Contributions were:

Less than $25,000 - fee is $20.

$25,000 or more, but less than $100,000 - fee is $60.

$100,000 or more, but less than $200,000 - fee is $90.

$200,000 or more - fee is $120.

Contributions must be verified by attaching your most recent IRS form. Further, send a copy of an itemized budget certified by an organization officer which contains a financial breakdown of monies distributed to each charitable organization for which you solicit.

You must send the completed application to: **Department of Consumer Protection, Regulatory Section, 14500 49th Street North, Suite 100, Clearwater, FL 33762.** If you have questions, please call **(727) 464-7988.**

Note: **Be aware that solicitations at or to a private residence from 9:00 p.m. to 8:00 a.m. are prohibited. This includes soliciting by telephone.**

The State of Florida, Department of Agriculture and Consumer Services, also requires registration under F.S.496. For information, contact the Division of Consumer Services; (800) 435-7352 in Florida, (850) 488-2221 outside Florida; or write: Division of Consumer Services; Mayo Bldg., 2nd Floor, Room 208; Tallahassee, FL 32399.

You must register with the Florida Department of Agriculture and Consumer Services prior to submitting this application. Please attach a copy of the Florida Department of Agriculture and Consumer Services compliance letter.

2. **Type of organization:**

(__) Professional Solicitor (__) Federated Fundraising Agency (__) Fundraising Counsel/Consultant (__) Commercial Co-Venturer

3. **Is the applicant:**

____ Corporation ____ Partnership ____ Organization of any other type

4. **Organization information:**

Full legal name: _____

Fictitious Name: _____

Additional Program Names Used in Solicitation: _____

LOCAL address: _____

_____

Telephone: ( )_____ Fax: ( )_____

REGIONAL address: _____

_____

Telephone: ( )_____ Fax: ( )_____

NATIONAL address: _____

_____

Telephone: ( )_____ Fax: ( )_____

5. **List all client/charitable organizations for which you solicit or provide professional consulting on their behalf.**

NAME OF CLIENT ORGANIZATION	ADDRESS	TELEPHONE	PINELLAS CNTY PERMIT	FL STATE LIC. NO.
1.				
2.				
3.				
4.				
5.				

Note: Please attach additional sheet, if needed.

5. *Answer this question ONLY if you checked "Corporation" in Question 2, above (attach verification):*

Date corporation formed:_____ State: _____ Document No. _____

Corporation type: For-Profit (_____), Not-for-Profit (_____) Status: _____

IRS Employer Identification Number (E.I.N.): _____

ALL APPLICANTS COMPLETE THE REMAINING QUESTIONS:

6. **Contact person who can be contacted if there are problems with this application:**

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

7. **Chief elected, executive, or operating officer:**

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

8. **Person managing the solicitation described in this application:**

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

9. **Treasurer or person with control of financial records:**

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

10. **Manager of telephone room in or operating into Pinellas County:**

Name: _____ Title: _____

Address: _____

_____

Telephone: ( )_____ Fax: ( )_____

Date of Birth: _____ Driver Lic. #: _____ Issuing State: _____

11. **Location of planned solicitation events(s), if different from organization address:**

_____

_____

12. **Method of Solicitation/Fundraising Consulting:** (check all that apply):

(___)Telephone (___)Mail (___)Volunteers (___) Paid Staff

(___)Print/Broadcast Media (___)Door to Door (__)Item Sales (___) Bingo/Raffle

(___)Events/Other - describe: _____

13. **FOR THE COMING YEAR:**

Expected GROSS REVENUE: $_____ (Check appropriate): Percentage Fee Based: _____

Flat Rate Contract: _____

14. Has your organization previously registered in Pinellas County for a Charitable Solicitation Permit? Yes (___), No (__). Has your organization previously registered with any other agency in this or any other state for a charity permit? Yes (___), No (___).

15. Has your organization or any affiliated organization solicited within the confines of Pinellas County for any charity in the last two (2) years? If yes, who and when _____.

16. Has any director, supervisor, manager, or person with authority to receive and/or disburse solicitation income ever been employed by or a member of another organization registered with Pinellas County for solicitation? Yes (__), No (___).

17. Has the applicant or any manager, director, supervisor, advisor, or other person with similar responsibilities and/or responsibility over income and distribution of income been convicted in the last five (5) years of a violation of the Pinellas County Charitable Solicitations Code, Florida Statutes Chapter 496, or any other federal, state, or local ordinance, act or law governing theft, fraud, misrepresentation, or the solicitation of funds? Yes (___), No (___). If yes, briefly state the date, place, offense, and penalty:

_____

_____

18. Has the applicant or any manager, director, supervisor, or other person with similar responsibilities or responsibility over income and distribution of income had, within the previous five (5) years, a permit issued under the Pinellas County Charitable Solicitations Code, or registration under Florida Statutes Chapter 496, suspended, revoked, or by court order been required to cease operation or fined or otherwise sanctioned? Yes (___), No (___). If yes, briefly state the date, place, offense, and penalty:

_____

_____

19. Is any owner, director, officer, supervisor, manager, or employee of the registrant related as parent, spouse, child, or sibling to any other owner, director, officer, supervisor, manager, or employee of the registrant, or to any director officer, supervisor, manager, or employee of any professional assistance firm or agency involved in a current services contract with the applicant? Yes (___), No (___). If yes, state the persons related, their relationship, and their duties with the organization.

_____

_____

_____

20. Is the applicant organization registered with the Florida Department of Agriculture and Consumer Services [F.S.496.405, F.S.496.409, F.S.496.410]? Yes (___); No (___); Exempt [F.S.496.403 or F.S.496.406] (___). Registration date: _____; Assigned number: _____. If not registered, date application and check mailed to the Florida Department of Agriculture and Consumer Services (attach copies of completed application and check).

21. **Attach the following, as applicable:**

A. (1) The organization's prior year's IRS tax return, or

(2) An itemized budget showing anticipated income and expenses.

21. **Attach the following, as applicable: (Continued)**

B. The registration acknowledgement with assigned number provided by the Florida Department of Agriculture and Consumer Services.

C. Any contract between a charity and a professional solicitor, federated fundraiser, consultant, or commercial co-venturer.

D. If the organization is registered with any other state or agency, send a list of those and include standard disclosure contact information.

E. A list of the principal officers, directors, managers, or supervisor with responsibility for fundraising. Include name, organization title, address, birth date, and telephone number.

F. Evidence of any fictitious name registration.

G. The wording of all verbal solicitation(s), including any telephone "pitch", and any written or printed material(s) used in the solicitation. These should show disclosures required by Florida law (F.S. 496.411).

Certification by the director or a senior authorized officer:

"I affirm the completeness and accuracy of the information in and attached to this application; that no information which would affect the issuance of this permit has been withheld; that I am responsible for the conduct and statements made by persons engaged in solicitation activities outlined herein, and that these comply with Florida Statutes and Pinellas Codes".

Name (Print): _____ Title: _____

Address: _____

_____ Telephone: ( ) _____

Official Signature (Sign before a notary):

_____

Notary Certification:

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____

_____, who is personally known to me or who has produced _____ as identification

and **DID TAKE AN OATH.**

Notary Signature and Seal: _____

Notary Printed Name: _____

Notary Address: _____

_____

Telephone: ( ) _____